IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 2525 OF 2005.

Manual Mergulhao. ... Appellant.

Versus.

Municipal Corporation of
Greater Mumbai. ... Respondent.

Shri A.S.Khandeparkar for the Appellant.

Shri J.J.Xavier for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 4th August, 2006.

P.C.:

1. Shri Khandeparkar appearing for the Appellant tenders on record an affidavit of the Constituted Attorney of the Appellant. Shri Khandeparkar states that the Constituted Attorney of the Appellant is personally present in Court. The affidavit is taken on record and marked "X" for identification. In the affidavit a prayer is made for permitting unconditional withdrawal of the First Appeal. Hence the following order is passed:

i) The Appeal is dismissed as withdrawn with no order as to costs.

ii) If an application for regularisation of the suit structure is made by the Appellant to the concerned authority of the Respondent-Corporation within a period of six weeks from today, the same shall be decided within a period of eight weeks

from the date of receipt of the application.

iii) If the Application for regularisation is made within the stipulated period of six weeks, the parties will maintain statusquo as of today in respect of the suit structure for a period of twenty weeks from today.

iv) If the application for regularisation is not made within the period of six weeks from today, the protection will not apply.

v) The concerned authority of the Respondent-Corporation will communicate the decision taken on the application for regularisation within a period of one week from the date of decision to the Appellant on the address appearing in the cause title.

vi) The parties to act on an authenticated copy of this order.

Judge.